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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,459	09/08/2003	David Robert Kalb	9352-1	9795

7590 07/24/2007
Bruce H. Johnsonbaugh
Eckhoff & Hoppe
Suite 2800
101 Montgomery Street
San Francisco, CA 94104

EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

MAIL DATE	DELIVERY MODE
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07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/657,459	Applicant(s) KALB ET AL.	
	Examiner Lawrence D. Ferguson	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Request for Continued Examination

1. This action is in response to the Response for Continued Examination (RCE) mailed April 25, 2007. Claims 1 and 5 were amended rendering claims 1, 3-5 and 7 pending.

Claim Objections

2. Claim 1 is objected to because of the following informalities: The phrase, "wherein the material displayed" should be --wherein a material displayed--. Appropriate correction is requested.

Claim 1 is objected to because of the following informalities: The phrase, "one or more opaque sheets each containing a graphic image, said sheets removable carried by said frame" should recite that not all of the sheets are used at the same time, for example --one or more opaque sheets each containing a graphic image, said sheets removable carried by said frame, where not all of the sheet(s) are used at the same time--.

Claim 1 objected to because of the following informalities: The phrase, "said one of said opaque sheets" in lines 15-16, lacks clarity. The word "said" at the end of line 15 should be omitted. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: The phrase, "one of said opaque sheets" is not consistent with line 5 of claim 1, which reads "one or more opaque sheets." Appropriate correction is required.

Claim 5 objected to because of the following informalities: The phrase, "said one of said opaque sheets" in lines 18-19, lacks clarity. The word "said" at the end of line 18 should be omitted. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: The phrase, "one of said opaque sheets" is not consistent with line 4 of claim 5, which reads "a plurality of opaque sheets." Appropriate correction is required.

Claim Rejections – 35 USC 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 5, the phrase, "said sign" lacks antecedent basis. Appropriate correction is required.

Claim Rejections – 35 USC § 103(a)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suen (U.S. 6,487,802) in view of Mirza (U.S. 6,347,471).

Suen discloses a multilayered signage apparatus wherein the material displayed may be easily replaced comprising a frame, a clear plastic protective lens, a removable transparency (cover sheet) having graphics and messages and a back drop, which can be seen through the transparency (column 1, lines 21-24 and column 2, lines 6-16, 28-39). Suen does not explicitly teach one or more opaque sheet(s) having a graphic

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image. Mirza teaches a multi-layered signage apparatus wherein the material displayed may be easily replaced comprising a message holder (frame) having a front (plastic film) and back panel used to display one or more replaceable signs or messages (opaque sheets) including instructions, notes, bulletins and other documents (column 1, lines 12-64 and column 2, lines 11-30) which conventionally have graphics or alphanumeric information. The reference teaches a sign or message can be viewed from the front panel (column 5, lines 52-62). Mirza further teaches the signs are removable sheets having additional signs or viewable items 15(c) between the two signs (column 4, lines 60-65 and Figures 5-6). Suen and Mirza are both related to multilayered signage apparatuses. It would have been obvious to one of ordinary skill in the art to use one or more opaque sheets in between the cover sheet and frame, as taught in Mirza, in the signage apparatus of Suen, to store additional signs or messages (column 4, lines 60-61) and to give an improved layered effect to the sign, which can be viewed by a single viewer looking at said sign through the removable cover sheet, since the plastic protective lens is clear and the removable transparency of Suen is transparent.

Because the combination of Suen and Mirza discloses the same multilayered signage apparatus having the same function as claimed, it would have been obvious to one of ordinary skill in the art for the plastic lens to be non-glare.

Response to Arguments

7. Rejection made under 35 U.S.C. 102(e) as being anticipated by Suen (U.S. 6,487,802) is withdrawn due to Applicant pointing out there was an error in the Suen reference, where there is actually no material printed on the photoluminescent back drop. After considering Applicant's argument and reading through the Suen reference, Examiner agrees the back drop of Suen does not have graphics or messages.

Applicant's arguments regarding the rejection made under 35 U.S.C. 102(b) as being unpatentable over Suen (U.S. 6,487,802) in view of Mirza (U.S. 6,347,471) have been considered but are unpersuasive. Applicant argues Suen and Mirza are not a proper combination because the use of additional signs between the cover sheet and the luminescent backing of Suen would prevent the photoluminescent back drop from effectively providing back lighting of the emergency evacuation route. Suen teaches the photoluminescent back drop is used in the dark. The one or more opaque sheets, as taught in Mirza, located in between the cover sheet and frame of Suen meets the limitations of the instantly claimed invention. The one or more sheets can be viewed by a single viewer looking at said sign through the removable cover sheet, since the plastic protective lens is clear and the removable transparency of Suen is transparent. The claimed invention would not be viewable in the dark, just as the combined references would not be viewable in the dark, while the opaque sheet(s) are between the cover sheet and back drop.

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Conclusion

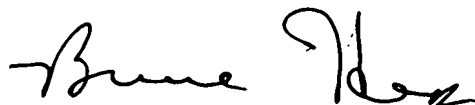
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



L. Ferguson
Patent Examiner
AU 1774



BRUCE H. HESS
PRIMARY EXAMINER
GROUP 1300

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4654101

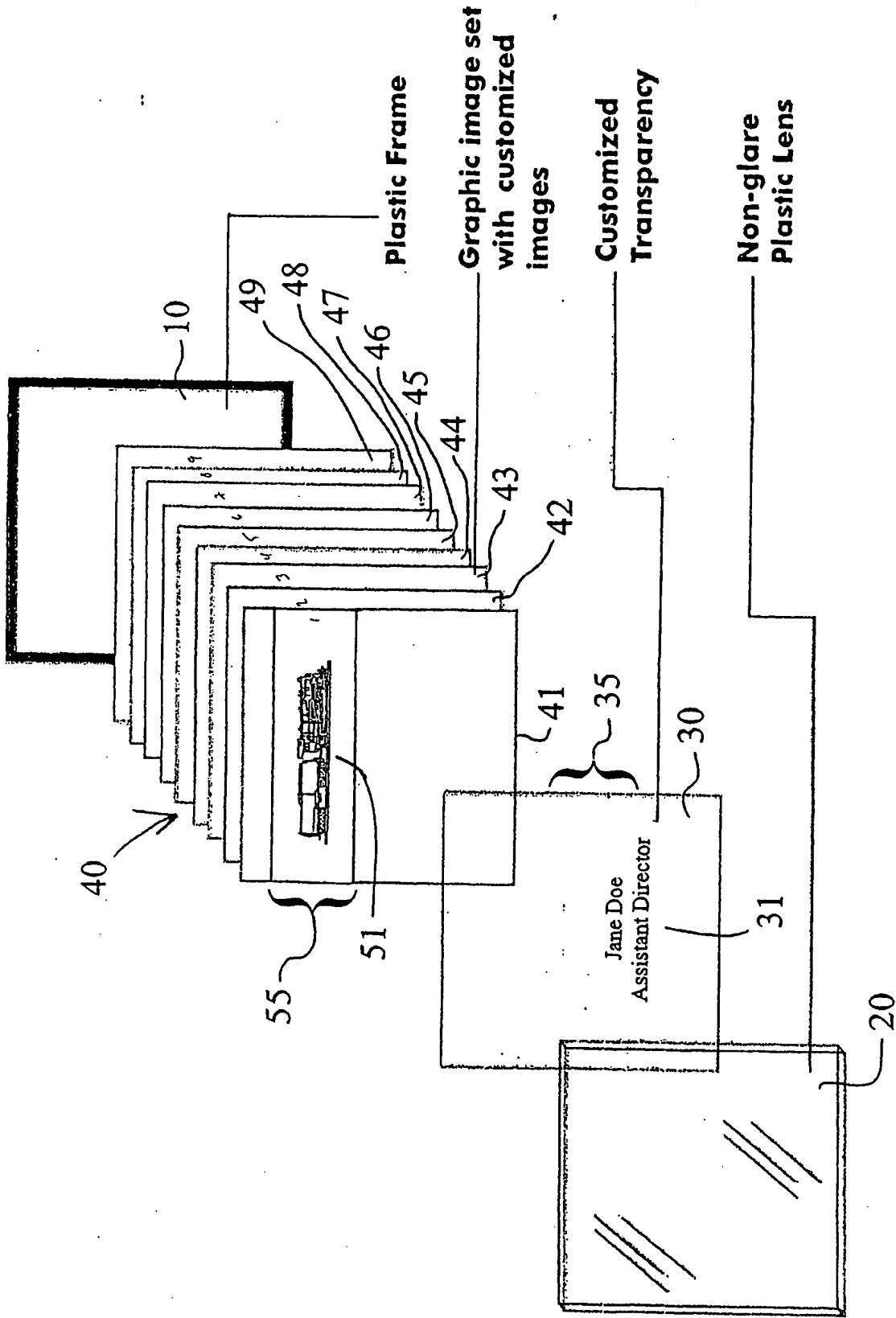
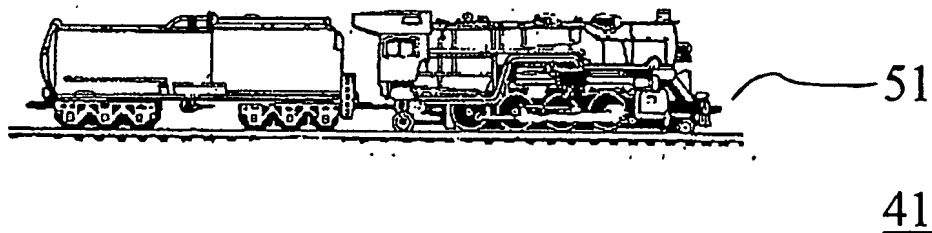


Fig. 1

Personnel identification
badges
graphics name (alphabetic)
transparent cover



Jane Doe
Assistant Director

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Fig. 2